

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ADRIAN MARTINEZ,

Petitioner,

vs.

DOUGLAS COUNTY BOARD OF MENTAL HEALTH, MICHAEL D. MCCLELLAN, Chairperson; MICHELLE MILLER-MCCOY, Chairperson; ERIC W. WELLS, #23694 Deputy County Attorney; DR. JEFF MELVIN, Ph.D #334, Licensed Psychologist; and DOUGLAS COUNTY PUBLIC DEFENDERS OFFICE,

Respondents.

**8:20CV271**

**MEMORANDUM AND ORDER**

Petitioner filed a Petition for Writ of Habeas Corpus ([filing 1](#)) and a Motion for Leave to Proceed in Forma Pauperis ([filing 2](#)). Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 filing fee. 28 U.S.C. § 1914(a). However, after considering Petitioner's financial status as shown in the records of this court (*see* trust account statement at [filing 3](#)), leave to proceed in forma pauperis will be granted and Petitioner is relieved from paying the filing fee. *See* 28 U.S.C. § 1915(a)(1).

IT IS THEREFORE ORDERED that: Petitioner's Motion for Leave to Proceed in Forma Pauperis ([filing 2](#)) is granted. The next step in this case is for the court to conduct a preliminary review of the habeas corpus petition in accordance with Rule 4 of the Rules Governing Section 2254 cases. The court will conduct this review in its normal course of business.

Dated this 9th day of July, 2020.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge